IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 16888 of 2007(I)

PETITIONER:

K.K.SAHADEVAN,
KANDACHAMTHARA, PALLOM P.O., KOTTAYAM.

BY ADV. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, ALAPPUZHA.

2. THE PUNCHA SPECIAL OFFICER,
ALAPPUZHA.

3. SUDHEERAN, S/O.MURALEEDHARAN,
ENNOORICHIRA VEEDU, PADINJARE MURI,
KUNNUMMEL VILLAGE, KAVALAM, ALAPPUZHA DISTRICT.

4. MURALEEDHARAN, ENNORILCHIRA VEEDU,
PADINJAREMURI, KUNNUMMEL VILLAGE,
KAVALAM, ALAPPUZHA DISTRICT.

BY ADV. SRI.K.S.HARIHARAPUTHRAN --- R4
SRI.GEORGE MATHEW
GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO:16888/2007 I

APPENDIX

PETITIONER'S EXHIBITS,

EXT.P1. COPY OF THE AUCTION NOTICE IN MANORAMA DAILY DT. 16/3/2007.

EXT.P2. COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE R1.

EXT.P3. COPY OF THE REQUEST MADE BY THE PETITIONER BEFORE THE R1.

EXT.P4. COPY OF THE APPLICATION DT. 17/5/2007 BY THE PETITIONER BEFORE THE R1.

EXT.P5. COPY OF THE ORDER NO. M. 18872/07 DT. 14/5/2007 BY THE R1.

EXT.P6. COPY OF THE KERALA IRRIGATION WORKS (EXECUTION BY JOINT LABOUR) RULES 1969.

EXT.P7. COPY OF THE JUDGMENT DT. 13/2/2006 IN OP NO. 24720/2000 OF THIS COURT.

True copy

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K.BALAKRISHNAN NAIR, J.

W.P.(C)No.16888 of 2007 I

Dated this the 5th day of July, 2007.

JUDGMENT

The petitioner is aggrieved by Ext.P5 order passed by the District Collector rejecting an appeal filed by him against the order of the Puncha Special Officer. The petitioner submits, Ext.P2 is the appeal filed by him. It was dismissed by Ext.P5.

2. The main grievance canvassed by the learned counsel for the petitioner against Ext.P5 is that it was issued without hearing the petitioner.

3. I heard learned counsel for the petitioner, learned Government Pleader and also learned counsel for respondents 3 and 4.

4. There is nothing in Ext.P5 to show that the petitioner was heard before his appeal was rejected by that order. Further, the respondents also do not have a case that the petitioner was heard before the said order was passed.

5. In view of the above position, Ext.P5 is quashed. First respondent is directed to pass fresh orders in the matter, after affording an opportunity of being heard to the petitioner,

respondents 3 and 4 and any other affected person, within one month from the date of production of a copy of this judgment. The first respondent shall pass fresh orders in conformity with the principles of natural justice. The said principles demand that if an adverse material or report is relied on against anyone, he shall be put on notice regarding the same and he shall be given a chance to comment on them.

Writ petition is disposed of as above.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

sk/

//true copy//

P.S. To Judge